

#14

PTO/SB/81 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

RELGART.001A

First Named Inventor: Ross Elgart

Art Unit: 2175

Application Number: 09/927,851

Examiner Jacques Veillard

Filed: 8/10/2001

Title: Database System And Method For Organizing And Sharing Information

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity — fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity — fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Amendment and Response to 7/15/03 Office Action (identify the type of reply):

☒ has been filed previously on 11/17/03 and 1/27/04

☐ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/61 (11-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/4/2004

Date

Peter M. Midgley

Signature

208-433-9121

Telephone Number

Peter M. Midgley

Typed or printed name

44,239

Registration Number, if applicable

P.O. Box 170440

Address

Boise, ID 83717-0440

Address

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

3/4/2004

Date

Peter M. Midgley

Signature

Peter M. Midgley

Typed or printed name of person signing certificate

PTO/GB/51 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

3/4/2004

Date



Signature

44,239

Registration Number, if applicable

Peter M. Midgley

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A response to the 7/15/03 Office Action was filed on 11/17/03, together with a check in the amount of \$110 to cover the fee for a one-month extension of time to file the response. On 1/27/04, the Examiner notified Petitioner, as counsel of record, that the \$110 check filed on 11/17/03 was not received by the Patent and Trademark Office. Prior to 1/27/04, Petitioner had received no notice and was unaware that the \$110 check had not been received by the PTO.

On 1/27/04, the Examiner informed Petitioner that the deficiency associated with the 11/17/03 response could be cured by promptly re-filing the response, together with the \$110 fee. Accordingly, a copy of the 11/17/03 response was promptly re-filed with the \$110 fee on 1/27/04, and was received by the PTO on 1/29/04.

On 2/3/04, the PTO mailed a document entitled "Informality Regarding Payment Of Fee" (Paper No. 10), which indicated that the 11/17/03 response had not been entered, and Applicant was given the remainder of the set period for response or one month from the date of the letter, whichever was longer, within which to remit the \$110 fee. Because the fee had been remitted on 1/27/04, which was within the allotted time period, Petitioner expected that 11/17/03 response would be entered.

On 3/1/04, Petitioner contacted the Examiner via telephone to confirm that the 11/17/03 response had been entered. During this conversation, Petitioner learned that, contrary to the Examiner's previous statements and the statements in Paper No. 10, the 11/17/03 response had not been entered. Petitioner also learned that, because the statutory period for response to the 7/15/03 Office Action had expired, the application had become abandoned.

In summary, prior to 1/27/04, Petitioner was unaware that the PTO had not received the \$110 check accompanying the 11/17/03 response. From 1/27/04 to 3/1/04, based on communications from the PTO, Petitioner believed that the appropriate steps were being taken to cure the deficiency associated with the 11/17/03 response. On 3/1/04, Petitioner learned for the first time, via telephone, that the application had become abandoned.

Based on the foregoing facts, Petitioner respectfully submits that the abandonment of the present application was unavoidable under 37 CFR 1.137(a). Nevertheless, if the Commissioner declines to grant this Petition pursuant to 37 CFR 1.137(a), Petitioner respectfully requests that, in the alternative, the Petition be considered under 37 CFR 1.137(b). To support such a petition, Petitioner hereby states that, based on the foregoing facts, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was, at a minimum, unintentional.

If necessary, please charge any additional fees (e.g., the additional fee necessary to consider this Petition under 37 CFR 1.137(b), if necessary) and credit any overpayments (e.g., the \$110 fee submitted on 1/27/04, if such submission was improper or unnecessary) to Deposit Account No. 503030.

Midgley Patent Serv
P.O. Box 12540
Bosch 16 837 70440
1208 422 8-121

Midgley Patent Serv
P.O. Box 12540
Bosch 16 837 70440
1208 422 8-121

1033

PAY TO THE
ORDER OF Commissioner Of Patents And Trademarks

One Hundred Ten and 00/100

Commissioner Of Patents And Trademarks
P.O. Box 12540
Albany, NY 12212-0540

MEMO

Serial No. 09/927,851

⑆123271978⑆389⑆414785⑆6⑆ 1033

Midgley Patent Services
Commissioner Of Patents And Trademarks

3/3/2004

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110.00

MPS Checking Serial No. 09/927,851

110.00

Midgley Patent Services
Commissioner Of Patents And Trademarks

3/3/2004

1033

110.00

MPS Checking Serial No. 09/927,851

110.00

Acknowledgment and receipt of:

1. Transmittal Letter w/Cert. of 1st Class Mail (1 pg)
2. Petition For Revival Of Application For Patent
Abandoned Unavoidably Under 37 CFR 1.137(a) (3 pp)
3. Return Receipt Postcard
4. Fee Transmittal Form (1 pg)
5. \$110.00 check

Atty Docket: RELGART.001A**Application No.: 09/927,851****Applicant: Ross Elgart****Title: DATABASE SYSTEM AND METHOD FOR
ORGANIZING AND SHARING INFORMATION****Date Mailed: 3/4/2004****First Class Mailing**

Acknowledgment and receipt of:

1. Transmittal Letter w/Cert. of 1st Class Mail (1 pg)
2. Petition For Revival Of Application For Patent
Abandoned Unavoidably Under 37 CFR 1.137(a) (3 pp)
3. Return Receipt Postcard
4. Fee Transmittal Form (1 pg)
5. \$110.00 check

Atty Docket: RELGART.001A

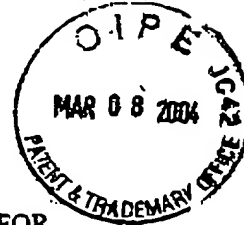
Application No.: 09/927,851

Applicant: Ross Elgart

Title: DATABASE SYSTEM AND METHOD FOR
ORGANIZING AND SHARING INFORMATION

Date Mailed: 3/4/2004

First Class Mailing



MIDGLEY PATENT SERVICES

Peter M. Midgley
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Registered Patent Attorney

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FACSIMILE TRANSMITTAL SHEET

| | |
|--------------------------------|-------------------------------------|
| TO: | FROM: |
| Mr. Pinchus Laufer | Peter M. Midgley |
| COMPANY: | DATE: |
| U.S. Patent & Trademark Office | 4/19/2004 |
| FAX NUMBER: | TIME: |
| (703) 305-8266 | 1:55 PM |
| PHONE NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| (703) 306-4160 | 9 |
| YOUR REFERENCE NUMBER: | SENDER'S REFERENCE NUMBER: |
| Serial No. 09/927,851 | RELGART.001A |

NOTES/COMMENTS:

X RECEIVED

APR 19 2004

Technology Center 2100

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|----------------------|------------------------|--------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/827,851 | |
| | Filing Date | 08/10/2001 | |
| | First Named Inventor | Ross Elgart | |
| | Art Unit | 2175 | |
| | Examiner Name | Jacques Vellard | |
| Total Number of Pages In This Submission | 5 | Attorney Docket Number | RELGART.001A |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks _____ | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|-------------------------|
| Firm or Individual name | Peter M. Midgley |
| Signature | <i>Peter M. Midgley</i> |
| Date | 03/04/2004 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|-------------------------|------|------------|
| Typed or printed name | Peter M. Midgley | | |
| Signature | <i>Peter M. Midgley</i> | Date | 03/04/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 110

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | 09/927,851 |
| Filing Date | 08/10/2001 |
| First Named Inventor | Ross Elgart |
| Examiner Name | Jacques Vellard |
| Art Unit | 2175 |
| Attorney Docket No. | RELGART.001A |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

503030

Deposit Account Name

Midgley Patent Services

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-designated deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 180 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | (\$) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent | 20** = | X | |
| Multiple Dependent | 3** = | X | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | | (\$) |

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 850 | 2253 | 425 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | 110 |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1480 | 130 | 1480 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(g) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (Times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.128(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110

SUBMITTED BY

| | | | | | |
|-------------------|-------------------------|-----------------------------------|------------|-----------|--------------|
| Name (Print/Type) | Peter M. Midgley | Registration No. (Attorney/Agent) | 44,239 | Telephone | 208-433-9121 |
| Signature | <i>Peter M. Midgley</i> | Date | 03/04/2004 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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